



05-01-07

AP-5

REGARDING APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Atty. Docket No. 00-39 RCE 1	
Appln. No.: 09/670,781		Filed: September 27, 2000	
Inventor(s): DALEY		Examiner: Weinstein, S.	
Group Art Unit: 1761		Conf. No.: 6751	
Title: System, Method and Package for Providing a Liquid Solution			
Express Mail Label No. (if applicable): EV 196265150 US			
<p>Sir:</p> <p>Notice of Appeal:</p> <p><input type="checkbox"/> Applicant hereby appeals to the Board of Patent Appeals and Interferences under 37 C.F.R. § 41 from the decision of the Examiner dated, _____, rejecting the following claims: _____</p> <p>The fee for this Notice of Appeal is (37 C.F.R. § 41.20(b)(1)) \$ _____</p> <p>Brief on Appeal:</p> <p><input type="checkbox"/> Applicant hereby submits, in triplicate, a Brief on appeal in this application.</p> <p>The fee for this Brief is (37 C.F.R. § 41.20(b)(2)) \$ _____</p> <p>Oral Hearing:</p> <p><input checked="" type="checkbox"/> Applicant respectfully requests an oral hearing under 37 C.F.R. § 41.47. (due two months after Examiner's Answer - <u>unextendable</u>)</p> <p>The fee for this Oral Hearing is (37 C.F.R. § 41.20(b)(3)) \$ <u>1,000.00</u></p> <p>Reply Brief:</p> <p><input checked="" type="checkbox"/> Applicant hereby submits, in triplicate, a Reply Brief on appeal in this application. (due two months after Examiner's Answer - <u>unextendable</u>)</p> <p><input type="checkbox"/> A check covering the amount due of \$ _____ is enclosed (check no. _____).</p> <p><input checked="" type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>50-0558</u>. A duplicate copy of this sheet is enclosed.</p> <p><input type="checkbox"/> A petition for an extension of time under 37 C.F.R. § 1.136(a) is enclosed.</p> <p>I am the: <input type="checkbox"/> assignee of record of the entire interest. <input type="checkbox"/> applicant. <input type="checkbox"/> attorney or agent of record. <input type="checkbox"/> attorney or agent acting under 37 C.F.R. § 1.34(a), Registration No. _____</p> <p>_____ Date April 30, 2007 _____ 724-387-4435 _____ Telephone No.</p> <p>_____ Signature _____ Timothy A. Nathan _____ Typed Name 05/02/2007 18:58:11 00000005 500558 09070781 44,256 01 FC.1405 1000.00 DA _____ Reg. No.</p>			

CERTIFICATE OF MAILING			
I hereby certify that this correspondence and all enclosures are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to: Mail Stop Appeal Brief- Patent Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: <u>April 30, 2007</u> . Express Mail Label No. <u>EV 196265150 US</u> .			
Typed Name		Timothy A. Nathan, Reg. No. 44,256	
Signature		Date	April 30, 2007

PIPE FEE TRANSMITTAL (Effective 12/08/2004)	Application Number	09/670,781
	Filing Date	September 27, 2000
	First Named Inventor	DALEY
	Confirmation Number	6751
	Group Art Unit	1761
	Examiner's Name	WEINSTEIN, S.
Express Mail® Model No. EV 196265150 US	Attorney Docket No.	00-39 RCE 1
TOTAL AMOUNT OF PAYMENT		\$ 1,000

METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																																																																																
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number: 50-0558</p> <p>Deposit Account Name: Respironics, Inc.</p> <p><input checked="" type="checkbox"/> Charge any additional fee required under 37 C.F.R. §§ 1.16, 1.17 and 1.20 <input type="checkbox"/> Charge the Issue Fee set forth in 37 C.F.R. § 1.18</p> <p>2. <input type="checkbox"/> Payment Enclosed: Check (Check No. _____)</p>	<p>3. APPLICATION SIZE FEE</p> <p>If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 for each additional 50 sheets or fraction thereof. See 35 U.S. C. § 41(a)(1)(G) and 37 C.F.R. § 1.16(s).</p> <table style="width: 100%;"> <tr> <td style="text-align: center;">Total Sheets</td> <td style="text-align: center;">Extra Sheets</td> <td style="text-align: center;">Number of each additional 50 fraction thereof</td> <td style="text-align: center;">Fee(\$)</td> <td style="text-align: center;">Fee Paid(\$)</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> </table> <p>_____ - 100 = _____ / 50 = _____ (round up to a whole number) X 250</p> <p>4. ADDITIONAL FEES</p> <table style="width: 100%;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or declaration</td><td></td></tr> <tr><td>1811</td><td>100</td><td>1811</td><td>100</td><td>Certificate of Correction</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>576</td><td>25</td><td>576</td><td>25</td><td>Additional filing receipt, duplicate or corrected due to applicant error</td><td></td></tr> <tr><td>1251</td><td>120</td><td>2251</td><td>60</td><td>Extension for response within first month</td><td></td></tr> <tr><td>1252</td><td>450</td><td>2252</td><td>225</td><td>Extension for response within second month</td><td></td></tr> <tr><td>1253</td><td>1,020</td><td>2253</td><td>510</td><td>Extension for response within third month</td><td></td></tr> <tr><td>1254</td><td>1,590</td><td>2254</td><td>795</td><td>Extension for response within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,160</td><td>2255</td><td>1,080</td><td>Extension for response within fifth month</td><td></td></tr> <tr><td>1401</td><td>500</td><td>2401</td><td>250</td><td>Notice of Appeal</td><td>1,000</td></tr> <tr><td>1402</td><td>500</td><td>2402</td><td>250</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>1,000</td><td>2403</td><td>500</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1452</td><td>500</td><td>2452</td><td>250</td><td>Petition to revive unavoidably abandoned application</td><td></td></tr> <tr><td>1453</td><td>1,500</td><td>2453</td><td>750</td><td>Petition to revive unintentionally abandoned application</td><td></td></tr> <tr><td>1501</td><td>1,400</td><td>2501</td><td>700</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>800</td><td>2502</td><td>400</td><td>Design issue fee</td><td></td></tr> <tr><td>1814</td><td>130</td><td>2814</td><td>65</td><td>Statutory Disclaimer</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Director</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of property)</td><td></td></tr> <tr><td>1801</td><td>790</td><td>2801</td><td>395</td><td>Request for Continued Examination</td><td></td></tr> <tr><td>1504</td><td>300</td><td>1504</td><td>300</td><td>Publication Fee</td><td></td></tr> <tr><td colspan="5">Other Fee (specify) _____</td><td></td></tr> </tbody> </table>	Total Sheets	Extra Sheets	Number of each additional 50 fraction thereof	Fee(\$)	Fee Paid(\$)	_____	_____	_____	_____	_____	Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	1051	130	2051	65	Surcharge - late filing fee or declaration		1811	100	1811	100	Certificate of Correction		1812	2,520	1812	2,520	For filing a request for reexamination		576	25	576	25	Additional filing receipt, duplicate or corrected due to applicant error		1251	120	2251	60	Extension for response within first month		1252	450	2252	225	Extension for response within second month		1253	1,020	2253	510	Extension for response within third month		1254	1,590	2254	795	Extension for response within fourth month		1255	2,160	2255	1,080	Extension for response within fifth month		1401	500	2401	250	Notice of Appeal	1,000	1402	500	2402	250	Filing a brief in support of an appeal		1403	1,000	2403	500	Request for oral hearing		1452	500	2452	250	Petition to revive unavoidably abandoned application		1453	1,500	2453	750	Petition to revive unintentionally abandoned application		1501	1,400	2501	700	Utility issue fee (or reissue)		1502	800	2502	400	Design issue fee		1814	130	2814	65	Statutory Disclaimer		1460	130	1460	130	Petitions to the Director		1807	50	1807	50	Petitions related to provisional applications		1806	180	1806	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of property)		1801	790	2801	395	Request for Continued Examination		1504	300	1504	300	Publication Fee		Other Fee (specify) _____					
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SUBMITTED BY			
Typed or Printed Name	Timothy A. Nathan	Reg. Number	44,256
Signature		Date	April 30, 2007
		Deposit Account Number	50-0558